

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

<b>PETERSON MANUFACTURING, CO.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. <u>09-00688-CV-W-JTM</u></b>
	)	
<b>TRUCK-LITE, CO., INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Peterson Manufacturing, Co., for its Complaint against the above named Defendant, alleges as follows:

**PARTIES**

1. Plaintiff, Peterson Manufacturing, Co., ("Peterson") is a Missouri corporation with a principal place of business at 4200 E. 135<sup>th</sup> Street, Grandview, Missouri 64030.
2. Defendant Truck-Lite Co., Inc., ("Truck-Lite") is a New York domestic business corporation with a principal place of business at 310 E. Elmwood Avenue, Falconer, New York 14733.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code, 35 U.S.C. §§ 100 *et seq.*
4. The Court has subject matter jurisdiction under 28 U.S.C. § 1338(a) because federal district courts have exclusive original jurisdiction over any civil action arising under any Act of Congress relating to patents.
5. This Court has personal jurisdiction over Truck-Lite because Truck-Lite sold the infringing product that is the subject of this action in the State of Missouri. Truck-Lite thus

transacted business in Missouri, made a contract in Missouri, and/or committed a tortious act in Missouri, and this cause of action arises from the doing of such acts in this State.

6. Venue is proper in this District under 28 U.S.C. § 1391(b) and/or (c), and 28 U.S.C. § 1400(b), because a substantial part of the events or omissions giving rise to the action occurred in the Western District of Missouri and the defendant is subject to personal jurisdiction in the Western District of Missouri pursuant to the Missouri Long-Arm Statute, Mo. R. Civ. P. 54.06(a).

### **GENERAL ALLEGATIONS**

7. United States Patent No. 6,842,111 (“the ‘111 patent”) titled “Integrated Multifunction Flasher System” was duly and legally issued by the United States Patent and Trademark Office to Bradley D. Smithson on January 11, 2005. By virtue of a legally enforceable assignment, Plaintiff is the owner of all right, title and interest in and to ‘111 patent and has the right to sue for infringement thereof. A copy of the ‘111 patent is attached as Exhibit 1 and documentation of the assignment is recorded in the United States Patent and Trademark Office on reel number 021640 and frame number 0615. A copy of the USPTO assignment chain for the ‘111 patent is attached as Exhibit 2.

8. In accordance with 35 U.S.C. § 282, the ‘111 patent is presumptively valid and enforceable.

9. Plaintiff caused all products manufactured under the ‘111 patent to be properly marked pursuant to 35 U.S.C. § 287, and defendant Truck-Lite has both actual and constructive notice of the ‘111 patent.

### **INFRINGEMENT OF THE ‘111 PATENT**

10. Defendant Truck-Lite has, without authority to do so, infringed and, on information and/or belief, contributorily infringed, and/or actively induced infringement of, the

'111 patent in violation of 35 U.S.C. § 271 by making, using, inducing others to use, offering for sale and/or selling an integrated multifunction flasher system that infringes one or more of the claims of the '111 patent, both within and outside this judicial district.

11. Defendant's infringement of the '111 patent, upon information and belief, has been willful.

### **DAMAGES AND RELIEF**

12. Plaintiff has been damaged as a direct result of Truck-Lite's conduct and is entitled to recover damages from Truck-Lite under 35 U.S.C. § 284.

13. Plaintiff is now, and will in the future be, irreparably harmed and damaged by Truck-Lite's infringement unless this Court enjoins Truck-Lite from continuing its infringement under 35 U.S.C. § 283. Plaintiff has no adequate remedy at law to compensate it for Truck-Lite's infringement.

WHEREFORE, Plaintiff prays for judgment in its favor and the following judgments and relief against defendant Truck-Lite, Co., Inc.:

- A. Judgment that defendant has infringed United States Patent No. 6,842,111;
- B. An injunction as allowed by 35 U.S.C. § 283 and Fed. R. Civ. P. 65(d), preventing and prohibiting the defendant and all those in active concert with it from infringing United States Patent No. 6,842,111;
- C. An award of damages adequate to compensate Plaintiff for the infringement by the defendant under 35 U.S.C. § 284, together with pre-judgment and post-judgment interest;
- D. An award of treble damages against the defendant 35 U.S.C. § 284;
- E. An award of Plaintiff's cost, expenses, and reasonable attorneys fees under 35 U.S.C. § 284 and 285; and
- F. Such other relief as the Court deems just and proper under the circumstances.

**JURY DEMAND**

Plaintiff demands a trial by jury of all issues so triable.

Respectfully submitted,

POLSINELLI SHUGHART PC

*/s/ Joshua McCaig*

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